## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (MBHB Case No. 08-983-WO-US)

In the Application of:	
Christophe Delesalle et al.	)
•	) Examiner: Tung Q. Tran
Serial No.: 10/502,043	)
Now U.S. Pat. No. 7,636,375	)
, ,	) Group Art Unit: 2416
Filing Date: January 19, 2005	)
	)
For: Method for Multimedia Flow Transport	) Confirmation No. 2502
Mail Stop Petition	)
•	
Commissioner for Patents	
P.O. Box 1450	
Alexandria, VA 22313-1450	

## REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant files this request to give the Office a full opportunity for reconsideration of the patent term adjustment (PTA) for the above-referenced patent, as Applicant believes in good faith that 416 days of *Wyeth*-type "B Delay" has been double counted.

On December 23, 2009, Applicant filed a request for reconsideration of PTA to request addition of 491 days of PTA due to B delay, and after accounting for 74 days of overlap, Applicant requested a total of 879 days of PTA. On January 29, 2010, Applicant filed a Request for Recalculation of PTA (*i.e.*, a Form PTO/SB/131).

On April 13, 2010, the Office mailed a decision granting the December 23, 2009 request in part ("the First Decision"), adding 490 days of PTA for B Delay, thus changing the PTA for the above-referenced patent from 462 days to 878 days, for a net of 416 more days of PTA. Shortly thereafter on April 21, 2010, the Office mailed a decision in response to the Form PTO/SB/131 filed January 29, 2010, ("the Second Decision"), adding 416 more days of *Wyeth*-type "B Delay" for the above-referenced patent, for an updated total of 1294 days.

A partial copy of the "Patent Term Adjustment" screen of PAIR is reproduced below, showing an apparent double counting of *Wyeth*-type "B Delay" on December 7, 2008 (shown as 490 days that Applicant believes includes the above-mentioned 74 days of Applicant Delay) and April 12, 2010:

SSS 22	serioad	<b>⊕</b> ihmini	Dectified Applications de Filos	Order Certifield Pile Wilsepper	🦋 Visso Codes Litz	
19/502.343	METHOS FOR MULTIMA	EDIA FLOW TRANSPORT			<u> </u>	
5000 000 500 000 000		Reference State Page 1 Term Reference Adjustments			C-000000000000	
Patent Term Adj	ustment					
Ribing on 373(c) Date:		01-15-2205	USPTO Delay (PTD) Delay (daye):			
(ssee Sete of Potent:		13-23-2009	Yires Years:			
Pre-Issue Pesitione (Issys):		•	Applicant Delay (APIX) Delay (days);		Α.	
Post-lesue Patitions (days):		•	Total Patent Term Adjust	merd (days):	1234	
USETO Adjustment (days):			Esgianacium Ol-Cain datto	<b>0</b>		
Patent Term Adj	ustment History					
Sate	Contents Description	53)		\$70) <b>0</b> 75	eye) APPL(Days)	
68-17-2010	Petition thereign - Gr	tented				
06-33-2630	MoS-Pecand a Patition Decision of Granted for Astern Term Adjustment after Issue					
68-13-2010	Record a Petition Chadaton of Granded for Habert North Adjustionaria after focus					
68-13-2010	Benard a Patricia Decision of Granded for Pacent Ferm Adjustment after Jesue					
32-23-3659	Petition Batered					
08-12-2010	Adjustment of PFA Calculation by PFO 438				418	
04-12-2010	Adjustment of PLA Calculation by PYO					
01-29-2600	Pedrico Coteres 💉				*	
12-22-2000	Recordation of Patent Granti Matied			*		
10-60-2009	Issue firitization Marked				4.	
32-07-2698	PYA 36 Months ASO				A50	
12-22-2006	Patent (saus Date us	ed to Pillin Colculation				
31-32-3000	Orașestor to PDC 9				*	
33-32-2608	Angelization to Constituend Ready for Social				*	
13-68-5000	Jasue Ree Reyment Verified 9				*	
31-03-3003	Save Fee Paymere Received e				A,	
06-12-2609	Yeak Herbits of Allowance 4				*	
68-10-2000	Document Verification 🕎				*	
08-16-2609	Matrice of Milawannes Dista Venification Completed				4,	
05-27-2000	Date Asswarded to Scionivier A				*	
(8-15-500)	Resignment after from Final Autom				*	
02-23-2009	Mili Non-Pinoi Rejection					
03/40/-0006	Non-Final Regionion A					
13-10-2008	Date Forwarded to Exemple:					
12-16-2608	Date Forwarded to S	raminer			4	

Applicant believes that the First Decision is correct, that the Second Decision is in error, and thus believes in good faith that the correct PTA for the above-referenced patent is <u>878</u> days. Applicant files this request to give the Office a full opportunity for reconsideration on this point.

Applicant believes no fees are due for this request. Nonetheless, Applicant authorizes the Office to charge any fees associated with this request to Deposit Account No. 132490. The Office is invited to contact the undersigned at (312) 913-3338 as needed concerning this request.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Date: May 17, 2010

By: /Thomas J. Loos/
Thomas J. Loos
Registration No. 60,161